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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,414	11/18/2003	Thomas W. Stone	10010940-1	7247
57299	7590	10/26/2006	EXAMINER	
AVAGO TECHNOLOGIES, LTD. P.O. BOX 1920 DENVER, CO 80201-1920			PYO, KEVIN K	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/717,414	<b>Applicant(s)</b> STONE, THOMAS W.	
	<b>Examiner</b> Kevin Pyo	<b>Art Unit</b> 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Specification***

1. The disclosure is objected to because of the following informalities:

In paragraph 0016, line 3, "4a" should be changed to --1a--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. Claims 3 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, claim 3 recites the phrase "the selectively directed electromagnetic radiation beam" in line 2. However, it is unclear if this phrase refers to the electromagnetic radiation beam recited in the step (a) or the electromagnetic radiation beam recited in the step (b). Clarification is required.

Regarding claim 6, it is unclear what is meant by the phrase "selectively diffracting at least one crosstalk induced output electromagnetic radiation means". It is unclear what exactly constitutes "crosstalk induced output electromagnetic radiation beam". It appears that selective diffraction and "crosstalk induced output electromagnetic radiation beam" have some relationship to each other. However, it is unclear and clarification is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stone et al (5,982,515).

Regarding claim 1, Stone et al shows in Figs.1 and 4 the following elements of applicant's claim: a) selectively directing (by G1) an electromagnetic radiation beam (20) to a predetermined optical path; b) subsequently selectively directing (by G2, G3, G4) directing the electromagnetic radiation beam to another predetermined optical path; and c) generating an angular separation of spectral components of the electromagnetic radiation beam, by the steps a) and b) in order to introduce the selectable amounts of temporal dispersion (col.5, lines 9-20; and paragraphs 28-29 of the applicant's specification).

Regarding claim 2, the limitation therein is shown in Fig.4.

Regarding claim 3, as far as the claim is understood, the limitation therein is shown in Figs. 1 and 4.

Regarding claim 4, Stone et al shows in Fig.4 the following elements of applicant's claim: a) selectively diffracting (by G5, G6, G7, G8) an output electromagnetic radiation beam originating from a switching/routing optical system (G2-G4); and b) rendering, after selective diffraction, a direction of propagating of the electromagnetic radiation output beam (output optical carrier) parallel to an input direction (20; see paragraphs 30-31 of the applicant's specification).

Regarding claim 5, Stone et al shows in Fig.4 an input electromagnetic radiation beam (20) is propagated through a steering diffracting element (G1) before entering the switching/routing optical system (G2-G4).

Regarding claim 6, as far as the claim is understood, Stone et al shows selective diffraction of an electromagnetic radiation beam.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Pyo whose telephone number is (571) 272-2445. The examiner can normally be reached on Mon-Fri (with flexible hour), First Mon. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kevin Pyo  
Primary Examiner  
Art Unit 2878

kp  
10/18/06